



Town of Southern Shores

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Town of Southern Shores

Council Meeting

January 2, 2008

7:00 PM.-Pitts Center

Minutes

The Southern Shores Town Council met on January 2, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Jim Pfizenmayer and Kevin Stroud.

Also present were: Ike McRee, town attorney and Carrie Gordin, town clerk.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the family of Bob and Shirley Ruff, who had a death in their family and for our troops serving around the world.

APPROVAL OF AGENDA

Council Member Hess moved to approve the agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Jim Harris, 92 South Dogwood Trail, requested council take a stand on the issue regarding driving on National Park property. He stated it has come down to the bird people against the fisherman. He stated he is handicapped and needs to be able to drive onto the beach to fish.

Hearing no other comments Mayor Smith closed the public comment section.

APPROVE TOWN MANAGER CONTRACT

Mayor Smith moved to approve the town manager contract for Charles Read, Jr. Council Member Stroud seconded.

Council Member McDonald questioned some text in the contract but the town attorney stated the text as written is correct. Ike McRee stated there is a change in section 7 by changing the word *automobile* to read *cellular telephone*.

Mayor Smith called for the vote. The motion passed with Mayor Smith and Council Members McDonald, Hess, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent.

Carrie Gordin, town clerk sworn in Mr. Read for the position of town manager.

APPROVAL of MINUTES – December 4, 2007

Council Member McDonald moved to approve the December 4, 2007 minutes as presented. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent or not voting.

CONSENT AGENDA -Resolution 2008-01-01-Council Meeting Schedule

Council Member Hess moved to approve Resolution 2008-01-01 with a correction that the date for the January meeting in 2009 be corrected. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2008-01-01 Council Meeting Schedule is attached hereto as Exhibit A].

REPORTS

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report and an end of the year report.

Planning Board

Georgine Poisal, vice chairman, read the December 17, 2007, recap.

The planning board requested council set two public hearings.

Council member McDonald stated he has many questions to be discussed on the draft vegetation ordinance.

Council member Hess stated she thought this item would be placed on the retreat agenda to allow time for council to discuss. She asked that members of the vegetation committee be present at the retreat.

Council Member Hess moved to set the date for the public hearing on Ordinance 2007-12-PB10-Home Occupation for the February 5, 2008, council meeting. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent or not voting.

Council will also discuss the wireless communication proposal at the retreat.

[Clerk's Note: A copy of Planning Board Report for December 17, 2007 is attached hereto as Exhibit B].

Police Department

Chief Kole presented the monthly report. He provided a copy of a pedestrian crosswalk signs he would like to have installed on NC12. He stated he has requested approval from NCDOT and is waiting to hear from them.

Council Member Stroud suggested using a permanent reflector post instead of using the signs. He asked what NCDOT was to provide at the crosswalks initially. Chief Kole stated NCDOT has done all that they are going to do. He thinks something more needs to be done. He stated it is not the town's responsibility but he is trying to be pro active, it is a safety issue.

Council Member McDonald stated he is concerned that damage may be done to the posts and to cars. He stated he likes the signs used by the Town of Nags Head.

Chief Kole stated in response to a request from a concerned citizen, the bicyclists have been contacted and asked to abide by the rules of the road.

Southern Shores Civic Association (SSCA)

Tom Bennett, president, reported the SSCA's next meeting is on January 14, 2008 and election for the new board will be at that time. He stated there are five vacancies on the board and there are six candidates running.

He stated he was very happy being involved with the SSCA and he was encouraged in working with the Chicahawk Property Owner's Association and the town in the involvement of working on the canal dredging project and being involved in the Land Use Plan. He stated working with Mike Hejduk who deserves a large measure of credit for the better interaction between the two associations and the town.

Chicahawk Property Owners Association (CPOA)

John Gualteria stated his board also is encouraged with the cooperation among the two civic associations and the town. He stated the CPOA residents are concerned about the condition of the town's roads. He stated it was reported at a planning board meeting the three worse streets in need of repair are located in Chicahawk and CPOA supports a town road improvement plan. He announced the CPOA met with a representative from the NC Department of Environment and Natural Resources at their last month's meeting to discuss environmental easement on some common areas. He stated the board was gratified to see council members in attendance also. He stated at their next meeting on January 3 the board will continue to discuss and study the feasibility of both public and private assistance to protect the natural environment of Cypress Pond. He stated CPOA is proceeding with the plans to improve Trinitie Park and thanked council for their approval. He stated the annual meeting to be held on March 15 elections will be held for three new members. He encouraged members to offer their candidacy.

OLD BUSINESS

Amend Dare County Solid Waste Contract

Mayor Smith asked what is needed to amend the county's solid waste contract to change the commercial pickup from three times a week to two times a week.

Council Member McDonald suggested placing this item for discussion on the upcoming "retreat" agenda.

The town manager suggested by placing this item on the "retreat" agenda this allows staff time to contact the commercial businesses to let them know what we are planning. This item will be placed on the "retreat" agenda.

Surf Rescue Contract

The town manager stated he met briefly with Mirek Dabrowski to review the proposed contract and some changes will be made. He would like to discuss this at the retreat also.

The town manager stated the language regarding the schedule for the roving patrol needs to be discussed and he and council received the contract most recently and hasn't had time to review it.

Council Member Hess asked Mr. Dabrowski what happens when someone calls 911 before Memorial Day and after Labor Day through October 15. Mr. Dabrowski stated nothing would happen, the Coast Guard would be called and response time would be around thirty to forty-five minutes by helicopter.

Council Member Hess stated then this would modify the mutual aid agreement held in the past. Mr. Dabrowski stated mutual aid agreements occur when like services are shared in adjacent towns. He stated the town would have no coverage before Memorial Day or after Labor Day through October 15. He stated originally he put in a contingency clause for coverage during those times at a cost.

The town manager asked what would be the off-season response time by the service compared to the Coast Guard response time as stated. Mr. Dabrowski stated two minutes. He stated he lives in town and the longest response time would be ten minutes and he recommends leaving the contract the way it is.

The town manager asked how many off-season rescues have been made in town. Mr. Dabrowski stated in 2005 there were four in September, one in 2006 and none in 2007.

The town manager asked, in the contract presented, how many man hours are provided during the operation period. Mr. Dabrowski stated he doesn't have those numbers at this time.

Council Member Hess asked, as a clarification, there is mutual aid from Memorial Day through Labor Day. Mr. Dabrowski said yes.

Council Member McDonald asked if the national park service provides life guard services. Mr. Dabrowski said yes during the same schedule (Memorial Day - Labor Day).

Council Member McDonald stated council requested the contractor to amend his contract so the town could save some money but asked the contractor to make recommendations for this cost saving. He stated now council is hearing it may not be the right thing to do to eliminate the times before Memorial Day and before Labor Day but would it be better to eliminate the one-half roving guard shared with the Town of Duck.

Mr. Dabrowski stated he reduced the season time frame to accommodate the ten percent contract reduction. He stated he did however; include a cost per call as an option in the contract to cover those times not covered by the contract. He stated visitation during the summer is up to 40,000 people a day. He stated his service provides twenty-four hour service with the current contract from May 1 to October 15 but the new contract does not offer that same coverage. He stated that for the three years he has covered Southern Shores he has had no calls after October 15 and for the eight years he has covered Duck he has had no calls after October 30.

Council Member McDonald asked who determines when the red flags are posted. Mr. Dabrowski stated the posting of the red flags sometimes causes a false sense of security but if there are too many rescues he will put up the red flag. He stated at the end of October the red flag poles are taken down in Duck and Southern Shores.

The town manager asked Mr. Dabrowski, following this discussion, is there changes regarding coverage you could make and reduce the contract by ten percent for the same dollar amount. Mr. Dabrowski stated he could adjust coverage in May and October but it would affect coverage in July. He stated he needs to have some flexibility from council to be allowed to adjust his guards as he sees needed.

Mayor Smith stated he is concerned about finding ways to reduce the budget and in looking at a cost per call doesn't allow council to have a fixed budget number.

Council Member Stroud asked can a person be charged for the cost of an emergency call in the off season like a person pays when they call for an ambulance. Mr. Dabrowski stated the structure for billing would be more than the three hundred dollars per call he has proposed to the town.

Mayor Smith asked about the need in putting up red flags. Mr. Dabrowski stated once all the towns use red flags then you need to continue. He feels he is the best judge of when the red flags need to be put up by looking at all the warnings made available.

The town manager asked if designated life guard areas should have some way of identification. Mr. Dabrowski stated it is advertised in local publications and the rental companies provide information where life guards are posted. He stated the area covered is as far as a life guard can see and to flag a designated area has not been an issue.

Mayor Smith stated Mr. Dabrowski will bring a new contract to include the changes and council will review and discuss it at the retreat.

Tidewater Fibre Recycling Contract (TFC)

Council Member McDonald asked why is the cost of the carts not included in the contract and what inventory of carts do we need to keep. Merrie Smith, administrative assistant, stated a small amount of inventory (10-15 carts) can be at the public work's site or cart replacement can be on call as needed. She stated the cost of carts will change over time that is why it has been eliminated. She stated the cost is being discussed due to tax being collected by Tidewater and then our auditor said the town needs to be collecting the tax.

Council Member Stroud asked if the town has shopped around for a cost comparison with other contractors. He stated he is not prepared to approve a five-year contract without looking at another contractor.

Mayor Smith stated that Waste Management was asked to provide a contract price but they never responded.

Council Member Stroud would like to hear from Waste Management or from someone else and wants the town manager to investigate this matter further.

Merrie Smith stated TFC has always been willing to work with the town. She stated Mr. Lee is talking to the Town of Duck about reducing their schedule to twice a month also. She stated Duck and Southern Shores are the only towns in Dare County who provide curbside recycling.

Council Member McDonald wants to see a termination clause included in the contract.

Council agreed to wait to hear from the town manager on quotes from other contractors before considering the TFC contract.

NEW BUSINESS

Council Appointment to Boards and Committees

Mayor Smith stated that representatives on the Land Use Plan Steering Committee, the Storm Water Management Advisory Committee and the Hazard Mitigation Plan Committee need to be appointed to replace past council members Dan Shields and David Sanders.

Council will discuss this at the retreat.

OTHER ITEMS

Town Manager

Mr. Read stated he is proud and grateful to have this opportunity and thanked council and the citizens. He announced a pre-bid conference for the canal dredging project in the Pitts Center on January 7 at 9:00 a.m. and on January 23 in the Pitts Center at 10:00 a.m. there will be the bid document opening. The new council members and he will be attending an Essentials of Government class in March at Kitty Hawk.

Town Attorney -none

Mayor-none

Council

Council Member Pfizenmayer reminded the citizens of the Council Retreat (January 8-9) and asked the citizens to submit issues for council consideration.

Council Member Hess thanked Police Chief Kole for filling in as the town's interim town manager as well as taking law enforcement certification classes. She stated the town was managed well and also thanked the staff of Mike Hejduk, Carrie Gordin, and Merrie Smith who are present and all the staff for doing a good job.

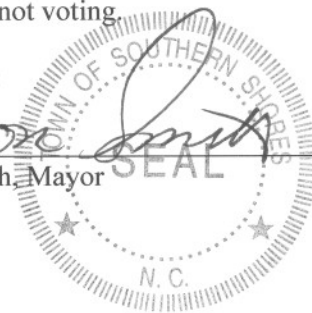
GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section, hearing from no one he closed the public comment section.

Hearing no other business Council Member Hess moved to adjourn the meeting at 8:30 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council Member voting no; and no council Member absent or not voting.

ATTEST:


Don Smith, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk



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Resolution No. 2008-01-01

A RESOLUTION OF THE TOWN COUNCIL OF SOUTHERN SHORES, NORTH CAROLINA, RELATING TO THE 2008 MEETING SCHEDULE

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2008 and;

BE IT RESOLVED, by the Town Council of Southern Shores, North Carolina, meeting this 2th day of January, 2008, that regular monthly meetings of the Town Council of the Town of Southern Shores will take place generally on the first Tuesday of each month beginning at 7:00 p.m. in the Kern P. Pitts Center but more specifically as follows:

Wednesday, January 2, 2008
Tuesday, February 5, 2008
Tuesday, March 4, 2008
Tuesday, April 1, 2008
Tuesday, May 6, 2008
Tuesday, June 3, 2008
Tuesday, July 1, 2008

Tuesday, August 5, 2008
Tuesday, September 2, 2008
Tuesday, October 7, 2008
Wednesday, November 5, 2008
Tuesday, December 2, 2008
Tuesday, January 6, 2009

BE IT FURTHER RESOLVED, that additional regular monthly daytime meetings of Council will take place generally on the fourth Tuesday of each month, being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 22, 2008
Tuesday, February 26, 2008
Tuesday, March 25, 2008
Tuesday, April 22, 2008
Tuesday, May 27, 2008
Tuesday, June 24, 2008

Tuesday, July 22, 2008
Tuesday, August 26, 2008
Tuesday, September 23, 2008
Tuesday, October 28, 2008
Tuesday, November 25, 2008

BE IT FURTHER RESOLVED, that to process routine actions in an expeditious manner, a consent agenda may be utilized and administered by the Town Manager as part of Council's regular meeting agenda; and

BE IT FURTHER RESOLVED, to insure public comment is heard, one or more Public Comment sections will be continued on the agenda at regular monthly meetings of Council. Such comments shall be brief and to the point. Neither the Mayor nor Council shall comment on items raised by the public except that the Mayor may refer the item to staff for further investigation or to place the item on the agenda for future consideration.

Adopted this 2nd day of January, 2008.

ATTEST:
Carrie Gordin
Carrie Gordin, Town Clerk

Don Smith
Mayor Don Smith



Exhibit B

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 11/25/2007
Re: Recap, Planning Board Meeting of November 19, 2007

Planning Board recommended actions for the Town Council:

1. None

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Joe Walter, Jay Russell, Dave Peckens, alternate Nancy Wendt, and alternate Jim Connors were present with ETJ Representative Ed Overton absent with excuse. Also in attendance were the Code Enforcement Administrator Mike Hejduk and Administrative Support Assistant Cyndy Gabrys.

Approval of Agenda: Agenda was approved.

Approval of Minutes: The minutes of October 15, 2007, were approved with corrections.

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee has no meetings scheduled for the month of November and will have one in December.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. He stated that the estimate for underground power for the canal and sound power lines have been received and he will present those figures in the Capital Improvement Plan.

The **Vegetative Advisory Committee** report was moved to the New Business session of the meeting when a proposed ordinance would be submitted.

The **Land Use Plan/ Steering Committee:** Mike Hejduk stated that the committee has been meeting regularly, with two new meetings scheduled for 11/29 and 12/6/2007, to go over objectives and a policy statement. Two new members will be required from the new council.

The **Wireless Committee:** Chairman Dave Peckens reported that there has not been a meeting since the first meeting. He stated that the promised presentations from members of the wireless industry will not be happening and that there does not seem to be any interest by industry representatives to appear in front of the town. He believes that current

Federal Law prevents towns from blocking future wireless development and that Dare County is getting the maximum wireless service that is intended currently by the industry. He proposed that the committee disband. Members of the committee asked that a meeting be held to discuss these points further before asking to be disbanded by the Council.

The Roads/Streets Committee: Chairman Dave Peckens stated that the committee has met twice. There are seven members on the committee. The committee will examine all 37 miles of town road ways and, using specific guidelines, will evaluate the conditions of the road on a 10 point scale with "1" equaling replacing a road immediately. He stated that the committee felt that Chicahawk Trail and Poteskeet Trail and Loop were the worst roads. He also stated that they are using the figure of \$100 per foot as the replacement cost. This amount can vary since only bad spots on a road may be fixed and extend the life of a road. Preliminary calculations place road repair at a cost of around \$300-\$400,000 per year and that a two cent increase in the tax rate should cover the cost of road repair and replacement.

Applications:

None

Other Business

Old Business:

1. Ordinance No. 2007-10-PB09- Ordinance to Amend the Town of Southern Shores Zoning Ordinance Regarding Tree and Vegetation Preservation and Planting.

New Business:

Jim Connors, as chairman of the Vegetative Committee, introduced Sally Lowe, a member of the committee, who along with Gigi Hagenah, spent the previous month speaking to Planning Board members and revising the Vegetative ordinance. Many portions of the original ordinance had been changed and certain sections dropped altogether. After an extensive discussion and the presentation of alternative ideas, the ordinance will be modified more and returned to the Planning Board next month for further discussion and possible approval. Ms. Kelly, from the Builders Association, spoke out against the ordinance and pointed out in detail the current issues that Duck was having with enforcing their vegetative ordinance.

New Business:

- 1. Community Lighting.** Mike Hejduk made a presentation to the Board on the topic of residential lighting. This was based upon a complaint by a resident on 10th Avenue regarding a light post on 9th Avenue. Mike wanted to know whether or not the Planning Board wanted to pursue this lighting issue. The consensus was yes and that the first thing that was necessary to do was to educate the residents of Southern Shores and make them aware of the fact that there was a lighting ordinance in place and that many were violating it. This could be done by a Broadcast News emailing and an article in the town

newsletter. There are night sky standards issued by the International Dark Sky Association which can be found at www.darksky.org. Nancy Wendt volunteered to be the Planning Board intermediary and to follow this project through with town volunteers. The town of Duck follows these standards.

2. **Capital Improvement Plan.** Mike Hejduk made a presentation to the Board on the topic of capital improvement by going over an extensive data chart which tabulated all future major expenses. The expenses are best guess projections but Mike wanted the Planning Board to be aware of them and to be involved in their creation since he feels that this is a responsibility of the Planning Board.

Other Items:

1. Planning Board Member Concerns:
 - a. Georgine Poisal expressed concern that she felt that a loop hole existed in the home occupation ordinance which did nothing to prevent home business owners from storing their equipment on neighborhood under developed lots. She will explore any modifications that are necessary to close this loop hole.
2. Chairman Concerns: none
3. Code Enforcement Administrator concerns:
 - The dentist office has been issued a partial certificate of occupancy and will be allowed to operate while still needing to have required lighting installed on the property.

Announcements:

Next regular meeting: Monday, December 17, 2007, 7:00 PM in the Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned.